

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/812,380  
Filing Date: March 29, 2004  
Applicant: Iftikhar Khan et al.  
Group Art Unit: 3761  
Examiner: Leslie R. Deak  
Title: HYBRID ARTERIOVENOUS SHUNT  
Attorney Docket: 1800-000001

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**DECLARATION UNDER 37 C.F.R. § 1.131**

Sir:

I hereby declare under penalty of perjury as follows:


1. I have been a registered Patent Attorney (Registration 30,692) since 1982. I am currently a Principal at Harness, Dickey & Pierce, P.L.C. (herein "Harness Dickey").
2. I have responsibility at Harness Dickey for representing the inventors of the subject application (herein "the Inventors") regarding their patent matters. As part of these responsibilities, I supervised and participated in the drafting and filing of the subject application.
3. I have read the Declarations under 37 C.F.R. 1.131 of the Inventors (herein "the Inventors' Declarations") to be filed with this Declaration in response to the Office Action issued February 16, 2007.
4. Attached, as Exhibit 1, is a billing record detailing a portion of the work performed for the Inventors regarding the drafting and filing of the subject application. In

particular, the billing record indicates work performed from January 16, 2004, through March 29, 2004. The patent application referred to in Exhibit 1 is that discussed in the Inventors' Declarations. This work described in Exhibit 1 included, but was not limited to, discussions with the Inventors, revision of the patent application, and filing of the patent application.

5. Additional work was performed regarding the subject application between the dates of February 16, 2004, and March 29, 2004. This included, but was not limited to, review of the application, minor revisions, and final review. Some of this work, including but not limited to work by my administrative assistant, was not reflected in these billing records. (Charges were not billed for all work performed, consistent with the total amount of professional fees targeted for this matter.) The time entered on March 29, 2004, reflects the culmination of that review and revision work, as the application was filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are being made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Dated: 20 April 2007

  
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David L. Suter

# **EXHIBIT 1**

**37 C.F.R. § 1.131 Declaration of  
David L. Suter**

**U.S.S.N. 10/812,380**

Billed and Unbilled Recap Of Time Detail - [307425 - 1800-000001/US]  
 Client: 1800 - Khan, Iftikhar 4/20/2007 2:19:34 PM

Date	Initials	Name / Invoice Number	Hours	Amount	Description	System ID	Index
01/16/2004	SDJ	Stephanie D Jones	0.50	80.00	Contacting inventor; revising patent	307425	1368549
05/05/2004		Invoice=636655	0.50	80.00	application.		
01/21/2004	SDJ	Stephanie D Jones	0.75	120.00	Revising patent application.	307425	1368749
05/05/2004		Invoice=636655	0.75	120.00			
01/26/2004	SDJ	Stephanie D Jones	1.75	280.00	Discussing revisions with inventor; meeting	307425	1372989
05/05/2004		Invoice=636655	1.75	280.00	with draftsman.		
01/27/2004	SDJ	Stephanie D Jones	1.25	200.00	Revising patent application.	307425	1372990
05/05/2004		Invoice=636655	1.25	200.00			
01/30/2004	SDJ	Stephanie D Jones	0.25	40.00	Finalizing patent application draft; preparing	307425	1373002
05/05/2004		Invoice=636655	0.25	40.00	letter to inventor.		
02/06/2004	SDJ	Stephanie D Jones	1.50	240.00	Telephone conference with inventor; revising	307425	1381908
05/05/2004		Invoice=636655	1.50	240.00	patent application; preparing letter to client.		
02/10/2004	SDJ	Stephanie D Jones	1.00	160.00	Discussing application revisions with inventor.	307425	1383207
05/05/2004		Invoice=636655	1.00	160.00			
02/16/2004	SDJ	Stephanie D Jones	0.50	80.00	Discussing application with inventor; preparing	307425	1383214
05/05/2004		Invoice=636655	0.50	80.00	formal papers and letter for forwarding with		
					the application.		
03/29/2004	DLS	David L Suter	0.80	304.00	Reviewing and executing papers for filing of	307425	1409766
05/05/2004		Invoice=636655	0.80	304.00	application.		